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In re application of :
Ernesto Marelli : DECISION ON
Serial No. 09/709,581 : PETITION
Filed: November 13, 2000 :
For: DIESEL ENGINE FUEL IN MICROEMULSION :
FROM AND METHOD FOR PREPARING :

This is a response to the REQUEST FOR WITHDRAW OF ABANDONMENT filed April 28, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of April 5, 2004, for failure to timely file a proper reply to the Office letter mailed July 29, 2003, be withdrawn since applicants did timely file a response by facsimile transmission on November 27, 2003.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's response was properly filed on November 27, 2003. The evidence provided includes a Facsimile Transmission Report and a Certification of Facsimile Transmission. Any holding of abandonment for failure to timely file a proper reply to the Office letter mailed July 29, 2003, therefore, is hereby vacated.

In view of the Notice of Rescinded Abandonment previously mailed by the USPTO on September 3, 2004, the application was returned to pending status. Accordingly, the Petition is **DISMISSED**.

J. Stone

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